

The Honorable Robert B. Collings  
U.S. Magistrate Judge  
1 Courthouse Way  
Boston, Ma. 02210

ROBERT B. COLLINGS  
MAGISTRATE JUDGE

SEP 27 2005

UNITED STATES DISTRICT COURT  
BOSTON, MASSACHUSETTS

CASE NO: 2005MJ0428RBC  
REC'D NO. 200542 - 038

9/26/05

Dear Mr. Judge Robert Collings

I am writing you in regards of me being detained  
at your and the Superintendent's convenience of MCI Birmingham.

I have called Mrs. Hyatt from Seattle Seafair for the  
proper information on the Federal Bureau of Prisons.

I was in fact supposed to have been released on  
7/15/05.

I am owed \$4100.00 a day for being held at  
my 30 day stay at MCI Birmingham.

~~\$1200~~ The total amount is \$1300.00 as of today  
and I am still being held.

I am also owed \$50.00 for Transportation fees  
along with a cab voucher to the bus terminal or train  
terminal.

Please discharge me A.S.A.P.

I did not choose to be evaluated again by an expert

Liggett.

Please release me completely with the exception of  
Money that is owed along with my release fees.

I have also written the Superintendent of  
NJ Fanningham to release me.

I am also sending legal documentation.

Sincerely yours,

W.H. Liggett Jr.

Mr. Sherman Adams

305 Belmont St.

Worcester, MA 01604

West I.A



**Fax Cover Sheet**  
**U.S. Department of Justice**

Federal Bureau of Prisons  
Federal Detention Center

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SeaTac, Washington 98198

Patricia A. Hyatt, Ph.D.  
Forensic Unit Psychologist  
2425 S. 200<sup>th</sup> Street  
SeaTac, Washington 98198  
Phone (206) 870-1016  
Fax (206) 870-1097

To: Shirron Adams; Adalberto; Amy Pinkham

From: Patricia A. Hyatt, Ph.D.

Subject: 18 USC 4241, 4242, and 4247 (30 and 45 day evaluations)

Comments: \_\_\_\_\_

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**Part 3****Ch. 313****MENTAL DISEASE OR DEFECT****18 § 4241**

idicial district in which ucted, or in which such

ffense committed substitute probable cause section. In cases in such an offense and is on, a parole revocation to section 4213 may be such detainer shall be e hundred and eighty n of placement. The ding review, have an ation containing informe detainer, and, unless in subsection (a)(2)(B) preparation of such

hat additional informa- a dispositional hearing he parolee is confined. hearing, be allowed to f, and, unless waived, action (a)(2)(B) of this

, the Commission may:

is summoned or retaken knowingly and intelligently admits viola- pursuant to subsection retaken pursuant to receive a revocation ate of retaking. The g at the institution to alleged parole violator allowed to appear and ss waived, shall have provided in subsection

d or retaken pursuant finds pursuant to the preponderance of the ed a condition of his the following actions: ion;

; of the parole; trial community treat- nander of his original

lease as if on parole

action provided it has t the parolee has been il crime subsequent to ss thereof, or whether ency or seriousness of dition or conditions of

(e) The Commission shall furnish the parolee with a written notice of its determination not later than twenty-one days, excluding holidays, after the date of the revocation hearing. If parole is revoked, a digest shall be prepared by the Commission setting forth in writing the factors considered and reasons for such action, a copy of which shall be given to the parolee.

(f) Notwithstanding any other provision of this section, a parolee who is found by the Commission to be in possession of a controlled substance shall have his parole revoked. [Added Pub.L. 94-238, § 2, Mar. 15, 1976, 90 Stat. 228, and amended Pub.L. 98-473, Title II, §§ 235(a)(1), 238(f), (6), Oct. 12, 1984, 98 Stat. 2081, 2089; Pub.L. 98-596, § 12(a)(6), (9), Oct. 30, 1984, 98 Stat. 3129, 3140; Pub.L. 99-646, § 58(1), Nov. 10, 1986, 100 Stat. 3612; Pub.L. 100-690, Title VII, § 7303(c)(8), Nov. 18, 1988, 102 Stat. 4464.]

**Codifications**

Pub.L. 98-473, §§ 235(a)(1), 238(f), (6), and Pub.L. 98-596, § 12(a)(6), (9), (b), amended section as follows: Section 238(f) of Pub.L. 98-473 amended par. (1) effective pursuant to section 235(a)(1) of Pub.L. 98-473 the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984. Section 12(a)(6) of Pub.L. 98-596 amended par. (1) to read as it had before amendment by Pub.L. 98-473, applicable pursuant to section 12(b) of Pub.L. 98-596 on and after the date of enactment of Pub.L. 98-473 [Oct. 12, 1984]. Section 238(i) of Pub.L. 98-473, which repealed section 238 of Pub.L. 98-473 on the same date established by section 235(a)(1) of Pub.L. 98-473, was repealed by section 12(a)(8) of Pub.L. 98-596. The cumulative effect of the amendments resulted in no change in the text of this section.

**Effective and Applicability Provisions**

1988 Acts. Amendment by section 7303(c)(3) of Pub.L. 100-690 applicable with respect to persons whose probation, supervised release, or parole begins after Dec. 31, 1988, see section 7303(d) of Pub.L. 100-690, set out as a note under section 3563 of this title.

**§ 4215. Appeal**

(a) Whenever parole release is denied under section 4206, parole conditions are imposed or modified under section 4208, parole discharge is denied under section 4211(c), or parole is modified or revoked under section 4214, the individual to whom any such decision applies may appeal such decision by submitting a written application to the National Appeal [Appeals] Board not later than thirty days following the date on which the decision is rendered.

(b) The National Appeals Board, upon receipt of the appellant's papers, must act pursuant to rule 1 within sixty days to reaffirm, modify, or reverse the decision and shall inform the appellant in writing of the reasons therefor.

(c) The National Appeals Board may, at the request of a regional commissioner upon the written request of the Attorney General filed not later than ten days following the decision and, by majority vote, shall reverse the decision within sixty days of the Attorney General's request. The Board, the Attorney General and the individual to whom the decision applies shall inform the individual in writing of its decision and the reasons therefor. [§ 4216. Repealed. Pub.L. 99-646, § 100 Stat. 3592]

Nov. 10, 1986, 100 Stat. 3592]

Section, Pub.L. 94-238, § 2, Mar. 15, 1976, 90 Stat. 228, authorized imposition of sentence on young offenders pursuant to the Federal Youth Corrections Act.

[§ 4217. Repealed. Pub.L. 99-646, § 1986, 100 Stat. 3612, as amended Pub.L. 100-690, Title VII, § 7014, Nov. 18, 1988, 102 Stat. 4935]

Section, added Pub.L. 94-238, § 2, Mar. 15, 1976, 90 Stat. 228, authorized execution of warrants to parole violators.

**§ 4218. Applicability of Administrative Procedure Act**

(a) For purposes of the provisions of title 5, United States Code, other than sections 553, 555, 556, and 557, the Commission is an "agency" as defined in such chapter.

(b) For purposes of subsection (a) of title 5, United States Code, other than sections 553(b)(3)(A) of title 5, United States Code, shall be deemed not to include the term "general statement of policy".

(c) To the extent that actions of the Commission pursuant to section 4208(a)(1) are not in accord with section 553 of title 5, United States Code, reviewable in accordance with the provisions of sections 701 through 706 of title 5, United States Code.

(d) Actions of the Commission pursuant to sections 2, 3, and 4 of section 4203(b) shall be committed to agency discretion for purposes of sections 701(a)(2) of title 5, United States Code. [Added Pub.L. 94-238, § 2, Mar. 15, 1976, 90 Stat. 228.]

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Nov. 10, 1986, 100 Stat. 3592]

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(1), Nov. 10, 1986, 100 Stat. 3612, as amended Pub.L. 100-690, Title VII, § 7014, Nov. 18, 1988, 102 Stat. 4935]

1976, 90 Stat. 228, adult offenders

Procedure Act

er 5 of title 5, 553, 555, and 557, as defined in such

ection, section relating to rule- trage "general

ssion pursuant to provisions of they shall be of sections 701

paragraphs (1) idered actions es of section

at. 231.)

**CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT****Sec.**

- 4241. Determination of mental competency to stand trial.
- 4242. Determination of the existence of insanity at the time of the offense.
- 4243. Hospitalization of a person found not guilty only by reason of insanity.
- 4244. Hospitalization of a convicted person suffering from mental disease or defect.
- 4245. Hospitalization of an imprisoned person suffering from mental disease or defect.
- 4246. Hospitalization of a person due for release but suffering from mental disease or defect.

**Sec.**

- 4247. General provisions for chapter.
- [4248. Omitted.]

**§ 4241. Determination of mental competency to stand trial**

(a) Motion to determine competency.—At any time after the commencement of prosecution for an offense and prior to trial of the defendant, the defendant or the

competency

of defen- ement of s sentencing rney for the

## 18 § 4241

## PRISONS AND PRISONERS

Part 3

Government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

(b) **Psychiatric or psychological examination and report.**—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

(c) **Hearing.**—The hearing shall be conducted pursuant to the provisions of section 4247(d).

(d) **Determination and disposition.**—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility—

(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

(2) for an additional reasonable period of time until—

(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

(B) the pending charges against him are disposed of according to law; whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

(e) **Discharge.**—When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall

promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. The court shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial. Upon discharge, the defendant is subject to the provisions of chapter 207.

(f) **Admissibility of finding of competency.**—A finding by the court that the defendant is mentally competent to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged.

(June 25, 1948, c. 646, 62 Stat. 855; Oct. 12, 1984, Pub.L. 98-473, Title II, § 403(a), 98 Stat. 2057.)

## HISTORICAL AND STATUTORY NOTES

## Short Title

1984 Acts. Section 401 of Pub.L. 98-473 provided that: "This chapter [amending this chapter, section 3006A of this title, rule 12.2 of the Federal Rules of Criminal Procedure and rule 704 of the Federal Rules of Evidence] may be cited [sic] as the 'Insanity Defense Reform Act of 1984'."

## § 4242. Determination of the existence of insanity at the time of the offense

(a) **Motion for pretrial psychiatric or psychological examination.**—Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity, the court, upon motion of the attorney for the Government, shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

(b) **Special verdict.**—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the Government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find the defendant—

- (1) guilty;
- (2) not guilty; or
- (3) not guilty only by reason of insanity.

(June 25, 1948, c. 646, 62 Stat. 855; Oct. 12, 1984, Pub.L. 98-473, Title II, § 403(a), 98 Stat. 2059.)

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## § 4243. II

(a) **Determination of acquitted.**—only by reason charged, he shall until such time subsection (e).

(b) **Psychiatric and report.**—ant to subsection psychiatric or defendant be conduct logical report provisions of e

(c) **Hearing.**—unt to the present place not late verdict.

(d) **Burden.**—subsection (c) only by reason of bodily injury another person or sex to a present injury or damage to create a subproof by a pr

(e) **Determination.**—earing, the led in subsection release would injury to another defendant, the ety of the Attorney General shall release the State in if such State are, and to make all reasonable efforts, neitility, the Attorney for treat

(1) sue or

(2) the release, c scribed re logical ca stantial ri serious d

## 18 § 4246

## PRISONS AND PRISONERS

## Part 3

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Title 38, and enacting provisions set out as notes under section 4201 of this title and section 5108 of Title 26] shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1996 [not classified to the Code], as amended by this title."

**§ 4247. General provisions for chapter**

## (a) Definitions.—As used in this chapter—

(1) "rehabilitation program" includes—

(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

(D) organized physical sports and recreation programs;

(2) "suitable facility" means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant; and

(3) "State" includes the District of Columbia.

(b) **Psychiatric or psychological examination**—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245 or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4245, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

(c) **Psychiatric or psychological reports**.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the Government, and shall include—

- (1) the person's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiner's findings; and
- (4) the examiner's opinions as to diagnosis, prognosis, and—

(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

(B) if the examination is ordered under section 4242, whether the person was insane at the time of the offense charged;

(C) if the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility; or

(E) if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

(d) **Hearing**.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

(e) **Periodic report and information requirements**.—(1) The director of the facility in which a person is hospitalized pursuant to—

Complete Annotation Materials, see Title 18, U.S.C.A.

## Part 3

Ch. 313	MENTAL DISEASE OR DEFECT	18	48
orts.—A psych- pursuant to miner design- hological ex- with copies xamined and nd shall in-	(A) section 4241 shall prepare semiannual re- ports; or	ment, hospitalization, care, or treatment of, provision of services to, a person committed to custody pursuant to this chapter;	ed
symptoms; psychological, d and their	(B) section 4243, 4244, 4245, or 4246 shall pre- pare annual reports concerning the mental condition of the person and containing recommendations con- cerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct. A copy of each such report concerning a person hospitalized after the beginning of a prosecution of that person for violation of section 871, 879, or 1751 of this title shall be submitted to the Director of the United States Secret Service. Except with the prior ap- probation of the court, the Secret Service shall not use or disclose the information in these copies for any purpose other than carrying out protective duties under section 3056(a) of this title.	(B) may apply for the civil commitment, i- ant to State law, of a person committed t custody pursuant to section 4243 or 4246;	is
gnosis, prog- inder section ring from a him mentally is unable to ences of the t properly in	(C) shall, before placing a person in a fi- pursuant to the provisions of section 4241, 4244, 4245, or 4246, consider the suitability o facility's rehabilitation programs in meeting needs of the person; and	y e e	e
inder section at the time	(D) shall consult with the Secretary of the partment of Health and Human Services in general implementation of the provisions of chapter and in the establishment of standard facilities used in the implementation of this chs	s r :	:
inder section is suffering ; a result of stantial risk 1 or serious	(j) Sections 4241, 4242, 4243, and 4244 do not : to a prosecution under an Act of Congress appli exclusively to the District of Columbia or the Uni Code of Military Justice.	7 2 1	1
inder section is suffering ; a result of are or treat- feet the sen-	(Added Sept. 7, 1949, c. 535, § 1, 63 Stat. 687, and ame Oct. 12, 1984, Pub.L. 98-473, Title II, § 403(a), 98 Stat. Nov. 18, 1988, Pub.L. 100-690, Title VII, §§ 7044, 70 102 Stat. 4400, 4401; Sept. 13, 1994, Pub.L. 103-322, XXXIII, § 330003(d), 106 Stat. 2141; Aug. 5, 1997, P 105-33, Title XI, § 11204(2), (3), 111 Stat. 789.)	;	;
is a part of a ommendation the mental feet the sen-	<b>HISTORICAL AND STATUTORY NOTES</b> <b>Effective and Applicability Provisions</b> 1997 Acts. Amendment of subsecs. (a) and (j) by P 105-33 effective on the later of October 1, 1997, or the the District of Columbia Financial Responsibility and I agement Assistance Authority certifies that the financial and budget for the District government for fiscal year meet certain requirements, see section 11721 of P 105-33, set out as a note under § 4246 of this title.	;	;
pursuant to dition is the d by counsel in adequate ted for him shall be af- ent evidence, l to confront at the hear-	<b>Transfer of Functions</b> For transfer of the functions, personnel, assets, and gations of the United States Secret Service, including functions of the Secretary of the Treasury relating to to the Secretary of Homeland Security, and for treater related references, see 6 U.S.C.A. §§ 381, 551(d), 552(d) 557, and the Department of Homeland Security Reorgar tion Plan of November 25, 2002, as modified, set out as a under 6 U.S.C.A. § 542.	;	;
on require- in which a	<b>[§ 4248. Omitted.]</b> <b>HISTORICAL AND STATUTORY NOTES</b> <b>Codifications</b> Section, added Sept. 7, 1949, c. 535, § 1, 63 Stat. 686, wi related to the termination of custody by release or trans was omitted in the general amendment of this chapter Pub.L. 98-473, Title II, c. IV, § 403(a), Oct. 12, 1984, 98 S 2057.	;	;
	Complete Annotation Materials, see Title 18, U.S.C.A.		
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